

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NATHAN LOUIS LOMAX,

Plaintiff

v.

GABRIELA NAJERA, *et al.*,

Defendants

Case No. 2:23-cv-01894-CDS-BNW

ORDER

I. DISCUSSION

On November 27, 2023, the Court denied Plaintiff's application to proceed *in forma pauperis* as incomplete and directed Plaintiff to file a new fully complete application to proceed *in forma pauperis* or pay the \$402 filing fee. (ECF No. 3). In response, Plaintiff filed another incomplete application to proceed *in forma pauperis* (ECF No. 4). Plaintiff has not submitted a completed financial certificate and an inmate trust fund account statement for the previous six-month period with the application.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her

1 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
2 See 28 U.S.C. § 1915(b).

3 As explained above, Plaintiff's application to proceed *in forma pauperis* is
4 incomplete. The Court will grant Plaintiff an extension of time to either pay the filing fee
5 or file a completed financial certificate and an inmate trust fund account statement for the
6 previous six-month period.

7 **II. CONCLUSION**

8 For the foregoing reasons, it is ordered that the Clerk of the Court will send Plaintiff
9 the approved form application to proceed *in forma pauperis* by an inmate, as well as the
10 document entitled information and instructions for filing an *in forma pauperis* application.

11 It is further ordered that Plaintiff has **until February 23, 2024**, to either pay the full
12 \$402 filing fee or file a completed financial certificate and an inmate trust fund account
13 statement for the previous six-month period.

14 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
15 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
16 to refile the case with the Court, under a new case number, when Plaintiff can file a
17 complete application to proceed *in forma pauperis* or pay the required filing fee.

18
19 DATED: January 22, 2024

20
21 
22 UNITED STATES MAGISTRATE JUDGE .
23
24
25
26
27
28